

CONDITION FOR APPROVAL FORM  
(TO ACCOMPANY LEGISLATION)

COMMITTEE: TRANSPORTATION

DATE: 6/11/8

ORDINANCE # \_\_\_\_\_ RESOLUTION # 08-R-1198

REQUESTED BY: Committee

DIRECTED TO: DOA + LAW

NATURE OF CONDITION FOR APPROVAL:

Provide Map of Property; White Paper or legal memorandum from  
Law Dept including options on sale, assignment of lease;  
copy of recorded easement

WHEN IS THIS INFORMATION DUE, AND TO WHOM?

Prior to the 6/14/8 Council meeting

WILL THIS RESULT IN AN AMENDMENT TO THE LEGISLATION?

YES ( ) NO ( )

WILL THIS RESULT IN A SUBSTITUTE TO THE LEGISLATION?

YES ( ) NO ( )

HAS THIS INFORMATION BEEN RECEIVED? YES ( ) NO ( )

DATE OF RECEIPT: \_\_\_\_\_

**A RESOLUTION  
BY TRANSPORTATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE CITY OF ATLANTA TO CONSENT TO AN ASSIGNMENT OF LEASE BY FORD MOTOR COMPANY TO JACOBY DEVELOPMENT INC. FOR A GROUND LEASE CONSISTING OF APPROXIMATELY 7.89 ACRES OF PROPERTY LOCATED NEAR HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.**

**WHEREAS**, a ground lease by the City of Atlanta to Ford Motor Company ("Ford") for approximately 7.89 acres, designated as Parcel 2, east of Runway 26L at Hartsfield-Jackson Atlanta International Airport (the "Lease") was previously authorized by Resolution No. 84-R-3049 of the Council of the City of Atlanta adopted on October 1, 1984 and approved by the Mayor on October 3, 1984, a copy of which is attached hereto as Exhibit A; and

**WHEREAS**, Ford now desires to assign the Lease to Jacoby Development Inc. ("JDI") as part of the sale of the Ford Motor Company Assembly Plant and surrounding property and seeks consent from the City of Atlanta for the proposed assignment; and

**WHEREAS**, the Aviation General Manager and the Chief Procurement Officer recommend that the City consent to the proposed Lease assignment; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA**, that the Mayor is hereby authorized to consent to the assignment of the Lease by Ford Motor Company to Jacoby Development Inc.

**BE IT FURTHER RESOLVED**, that the City Attorney is hereby directed to draft an appropriate instrument evidencing the consent and approval for execution by the Mayor.

**BE IT FINALLY RESOLVED**, that the consent will not become binding on the City, and the City will incur no liability under it until it has been approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk, and delivered to Jacoby Development Inc.

Exhibit A

CLERK OF COUNCIL  
Atlanta Ga.

001001

RESOLUTION

BY TRANSPORTATION

A RESOLUTION AUTHORIZING THE MAYOR  
TO EXECUTE A LEASE AGREEMENT WITH  
FORD MOTOR COMPANY COVERING THE  
LEASE OF APPROXIMATELY 7.89 ACRES  
OF LAND, DESIGNATED AS PARCEL 2,  
EAST OF RUNWAY 8R/26L AT HARTSFIELD  
ATLANTA INTERNATIONAL AIRPORT.

WHEREAS, the City of Atlanta ("City") has undertaken  
the construction of a new fourth runway, to be designated  
Runway 8L/26R, at Hartsfield Atlanta International Airport;  
and

WHEREAS, the Ford Motor Company ("Ford") owns an  
automotive assembly facility ("Facility") located in the  
City of Hapeville adjacent to the Airport; and

WHEREAS, the City has undertaken the construction of a  
new fourth runway at the Airport which will result in the  
operation of aircraft directly above the Facility, which  
makes it necessary for the City to acquire avigation  
easements for the use of the airspace above the Facility and  
for the construction and operation of navigational aids  
(NAVAIDS) in connection with the Fourth Runway; and

WHEREAS, by an ordinance adopted on January 3, 1984,  
and approved on January 4, 1984, the Council of the City  
authorized the execution of an agreement between the City  
and Ford under which the City would obtain said easements  
and would compensate Ford therefor by a lump sum payment of  
\$2.4 Million and by conveying to Ford by quit-claim deed two  
parcels of land adjacent to said Facility and the rights of  
way of two abandoned streets which traverse Ford's property  
east of the Facility; and

WHEREAS, the Federal Aviation Administration will not  
permit title to one parcel of land, located south of the  
Facility and designated as Parcel 2, to be conveyed to Ford,  
but will approve the lease of same; and

WHEREAS, it is necessary to authorize the lease of  
approximately 7.89 acres of said Parcel 2 to Ford as a means  
of consummating the transaction for the acquisition of the  
avigation easements for said Runway 8L/26R, on the terms and  
conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA that the Mayor be and he hereby is authorized to execute on behalf of the City of Atlanta a lease Agreement with Ford Motor Company covering the occupancy and use by Ford of said Parcel 2, comprising approximately 7.89 acres of land at the Airport, subject to the following terms and conditions:

- (1) Ford shall use said premises for the parking of automobiles and trucks, and for equipment and material storage, and for no other purpose without the prior written approval of the City;
- (2) The city shall retain an aviation easement over and across said premises for the use of the airspace and easements on, over, and across same for construction, operation, and maintenance of a NAVAIDS system pursuant to FAA requirements;
- (3) For a term of fifty (50) years, with an option to renew for an additional period of forty-nine (49) years;
- (4) For a rental in the amount of One Dollar (\$1.00) to be paid once for the initial term of 50 years and once for the option term of 49 years;
- (5) With all necessary improvements thereon to be constructed by Ford at no cost or expense to the City, subject to prior approval of plans and specifications therefor by the City's Commissioner of Aviation; and
- (6) Such other terms, conditions, and provisions as are included in lease agreements of a similar nature at the Airport or as required by City ordinances or Federal regulations.

BE IT FURTHER RESOLVED that the City Attorney be and hereby is directed to prepare said Lease Agreement for execution by the Mayor, to be approved as to form by the City Attorney.

FINALLY RESOLVED that the said Lease Agreement shall not become binding upon the City, and the City shall incur no obligation or liability there-under until the same has been signed by the Mayor and delivered to the Lessee.

A true copy

*A. M. B. Burch*

ADOPTED by City Council Oct. 1, 1984  
APPROVED by the Mayor Oct. 3, 1984

APPENDIX 1

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:**

**Caption:**

**Council Meeting Date:**

**Requesting Dept.:**

**FAC Confirmed by:**

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

***Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.***

The purpose of this legislation is to request the consent of City Council to assign 7.89 acres of land from Ford Motor Company to Jacoby Development, Inc. in coordination with the sale of the Ford plant property in June for redevelopment purposes.

**2. Please provide background information regarding this legislation.**

***Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.***

The 7.89 acres, which is due east of Runway 26L, was leased to Ford Motor Company in 1984. Jacoby Development, Inc is closing on the purchase of the Ford plant property on June 6, and is seeking the consent for assignment by the City so that the leased property can be included in their future development plans for the plant.

**3. If Applicable/Known:**

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: None

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery: None

*Examples:*

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

**This Legislative Request Form Was Prepared By: Jalal Slade, Aviation Properties**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 5/28/08

Anticipated Committee Meeting Date(s): 6/11/08

Anticipated Full Council Date: 6/16/08

Commissioner Signature: 

**CAPTION**

**A RESOLUTION AUTHORIZING THE CITY OF ATLANTA TO CONSENT TO AN ASSIGNMENT OF LEASE BY FORD MOTOR COMPANY TO JACOBY DEVELOPMENT INC. FOR A GROUND LEASE CONSISTING OF APPROXIMATELY 7.89 ACRES OF PROPERTY LOCATED NEAR HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 5.28.08  Reviewed by:   
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)